

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF PROBATE POST-)	ADMINISTRATIVE ORDER
APPOINTMENT GUARDIANSHIP)	NO. 2011-109
VISITATION AND MONITORING BY)	
PROBATE COURT INVESTIGATORS AND)	
VOLUNTEER REPRESENTATIVES)	
_____)	

Pursuant to Title 14, Arizona Revised Statutes, a court investigator or court visitor must interview prospective adult guardians and wards and submit a written report to the Court prior to appointment addressing the need for a guardianship and the suitability of the proposed appointee to serve in that fiduciary capacity.

Although Title 14 provides for annual reports of guardians so that the welfare of adult wards can be monitored, there is no statutory provision that requires court investigators or representatives to conduct periodic in-person visits with adult wards after a guardian has been appointed or to submit subsequent written reports to the Court regarding the ward's physical and mental condition and living arrangements. In order to ensure that adult wards are not subjected to abuse or neglect, the Court concludes that periodic in-person visits must be conducted to evaluate the welfare and living conditions of all vulnerable adults who are under the Court's protection.

To carry out such post-appointment guardianship monitoring duties, court investigators and representatives must have full access to adult wards and their guardians, and to records pertaining to the wards' healthcare, medical treatment, residential placement and living conditions.

Based on the forgoing, and good cause appearing,

IT IS ORDERED that beginning September 1, 2011, in any proceeding where the Court appoints a guardian for an adult ward, the Court shall order an initial post-appointment visitation by a court investigator or representative to interview the ward and to evaluate the ward's condition, following which interaction a written report shall be submitted to the Court summarizing the observations made during the visit. The initial post-appointment visitation shall be scheduled not earlier than the anniversary date of the guardian's appointment and not later than one hundred eighty days (180) from the appointment anniversary date. In conjunction with the initial post-appointment visitation, the court investigator or representative may also interview the guardian, caregiver, facility operator or such other persons who have frequent direct contact with the ward.

IT IS FURTHER ORDERED that Probate Court Administration is authorized to schedule post-appointment guardianship visits and to prepare and issue notifications to guardians advising that court-ordered visitations will be conducted and that guardians shall arrange to have the wards available and accessible for interview by the Court's investigator or representative. Such notifications will also specify that the guardian is required to provide access to records in their possession or under their control pertaining to the ward's healthcare, medical treatment, residential placement, and living conditions. In addition, such notification will also direct that any residential or healthcare facility where the ward is living shall provide access to all records, whether in electronic or paper documentation format, pertaining to the ward's condition, healthcare or treatment.

IT IS FURTHER ORDERED that this Administrative Order expires automatically without further Order on a date ten (10) years from the date of issuance in accordance with Arizona Code of Judicial Administration, Section 3-402(C), unless sooner modified, amended or replaced.

Dated this 18th day of August, 2011.

Honorable Rosa Mroz
Presiding Judge for Probate and Mental Health

Original: Clerk of the Superior Court

Copies: Hon. Norman Davis, Presiding Judge
Marcus Reinkensmeyer, Judicial Branch Administrator
Michael K. Jeanes, Clerk of the Superior Court
Elizabeth Evans, Probate Court Administrator